



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD  
ATTORNEY GENERAL

July 22, 1953

Hon. B. B. Sapp  
Executive Secretary  
Teacher Retirement System  
Austin, Texas

Letter Opinion No. MS-71

Re: Authority of the Board of  
Trustees of the Teacher  
Retirement System to in-  
crease membership annuity  
payments for previously  
retired teachers in ac-  
cordance with Section 5  
of Senate Bill 334, Acts  
of 53rd Legislature, 1953.

Dear Mrs. Sapp:

You have asked substantially the following question:

Is the Board of Trustees of the Teacher Retirement System authorized by virtue of Section 5 of Senate Bill 334, 53rd Legislature, to increase the membership annuity payments fifty percent for all teachers who are drawing annuity payments on the effective date of this Act? The caption of Senate Bill 334, ch. 422, Acts 53rd Legislature, 1953, states:

"An Act providing for increased membership annuity payments under the Teacher Retirement System by increasing the amount transferred from the State Membership Accumulation Fund to the Membership Annuity Reserve Fund upon retirement of members; providing for an additional transfer for teachers who had retired on the effective date of this Act; fixing the expiration date of this Act as August 31, 1963; and declaring an emergency." (Emphasis added.)

Section 5 of the bill states:

"In addition to the transfers from the State Membership Accumulation Fund to the Membership Annuity Reserve Fund provided for in Section 3 of this Act, there shall also be transferred from the State Membership Accumulation Fund into the Membership Annuity Reserve Fund an amount equal

to one-half the amount in the Membership Annuity Reserve Fund on the effective date of this Act."

The emergency clause of said bill states in part:

"The fact that more reserves are needed for payment of appropriate membership service benefits to retired teachers, creates an emergency . . ." (Emphasis added.)

39 Texas Jurisprudence, pages 209-211, Statutes, Sec. 113, provides in part:

"Another fundamental rule requires that a statute be construed as a whole and that all of its parts be harmonized, if possible, so as to give effect to the entire act according to the evident intention of the Legislature. Pursuant to this rule, a court that is called upon to interpret a statute will consider, examine, read, or view the act in its entirety. This means that consideration will be given the title, the body, and the emergency clause, if any. . . ."

The purpose of Section 3 of this Act is to provide more money through the Membership Annuity Reserve Fund to teachers upon retiring. The purpose of Section 5 is to provide more money through this fund to retired teachers. Viewing this Act in its entirety, and particularly the fact that the caption, as well as the emergency clause, refers to retired teachers, it is our opinion that the Board of Trustees for the Teacher Retirement System is authorized to increase the membership annuity payments fifty percent for teachers who were retired on the effective date of this Act, the effective date being June 13, 1953.

Yours very truly,

JOHN BEN SHEPPERD  
Attorney General

By  
Sam C. Ratliff  
Assistant

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